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ITHACA NY 14850

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JUN 1 2 2006

OFFICE OF PETITIONS

In re Application of :
Johnson et al. :
Application No. 10/720,778 : ON PETITION
Filed: 24 November, 2003 :
For: DEVICE FOR COLLECTING :
STATISTICAL DATA FOR :
MAINTENANCE OF SMALL-ARMS :

This is a decision on the petition, filed on 22 November, 2005, requesting withdrawal of the holding of abandonment under 37 CFR 1.181.

The petition is GRANTED.

The application was held abandoned for failure to timely submit the issue fee in response to the Notice of Allowance and Fee(s) Due mailed on 11 March, 2005, which set a three (3) month period for reply. No reply having been received, however, Notice of Abandonment was mailed on 13 November, 2005.

Petitioners assert that a change of correspondence address was timely prior to the mailing of the Notice of Allowance on 11 March, 2005, but that the Notice was not received because the Office incorrectly mailed the Notice to the old address.

In support, petitioners point to the "Power of Attorney" filed on 27 December, 2004, signed by both joint inventors, stating, inter alia, "Address all correspondence to USPTO Customer Number 020808."

A review of the record reveals that a "Power of Attorney for Patent Application" signed by both joint inventors and appointing the attorneys and agents listed with Customer Number 020808, and requesting all correspondence be sent to the above-referenced Customer Number, was filed on 27 December, 2004.

It is noted that the power of attorney filed on 27 December, 2004, does not explicitly revoke the previous power of attorney. Nevertheless, 37 CFR 1.136(a) states, in pertinent part:

A power of attorney to the patent practitioners associated with a Customer Number will be treated as a request to revoke any powers of attorney previously given.

As such, the paper filed on 27 December, 2004, will be treated as a properly-filed revocation and power of attorney.

Moreover, MPEP 601 states that the required notification of change of correspondence address need take no particular form. However, it should be provided in a manner calling attention to the fact that a change of address is being made.

Here, petitioners clearly stated that all correspondence should be addressed to Customer Number 020808. As such, the showing of record is that petitioners properly requested a change of correspondence address by the papers filed on 27 December, 2004, but that the correspondence address was never changed.

As the error was that of the Office in not mailing the Notice of Allowance and Fee(s) Due to the proper address, the Office action was not received as a result of an irregularity in the mailing (i.e, the Notices was not mailed to the proper address). Therefore, the petition is granted.

The revocation and power of attorney and change of correspondence address is accepted.

The Notice of Abandonment is vacated, and the holding of abandonment withdrawn.

The application is being referred to Technology Center Technical Staff for remailing of the Notices of Allowance and Fee(s) Due and the Notice of Allowability.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

A handwritten signature in black ink, appearing to read "D Wood".

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Notice Regarding Change of Power of Attorney
 Notice of Acceptance of Power of Attorney



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/720,778	11/24/2003	Eric Arthur Johnson	2003-1

34468
ADVANCED DESIGN CONSULTING, INC.
126 RIDGE RD.,
P.O. BOX 187
LANSING, NY 14882-0187

CONFIRMATION NO. 8646



OC000000019211269


Date Mailed: 06/09/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/27/2004.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).




DOUGLAS I WOOD
OP (571) 272-3231

NEW ATTORNEY/AGENT COPY



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/720,778	11/24/2003	Eric Arthur Johnson	2003-1

020808
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CONFIRMATION NO. 8646



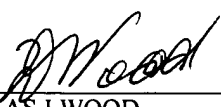
OC000000019211292

Date Mailed: 06/09/2006

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/27/2004.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.


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ATTORNEY/APPLICANT COPY